

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

BILLY RAY PHIFFER,

2:10-CV-01120-SU

Plaintiff,

ORDER

v.

STATE OF OREGON as being
represented by the OFFICE OF
DISTRICT ATTORNEY FOR BAKER
COUNTY, a public entity, and
STATE OF OREGON as being
represented by BAKER COUNTY
CIRCUIT COURT, a public entity,

Defendants.

BILLY RAY PHIFFER
8555 San Leandro Drive
Dallas, TX 75218

Plaintiff, *Pro Se*

JOHN R. KROGER

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Attorney General
JUSTIN E. KIDD
Assistant Attorney General
Oregon Department of Justice
1162 Court Street N.E.
Salem, OR 97301-4096

Attorneys for Defendants

BROWN, Judge.

Magistrate Judge Patricia Sullivan issued Findings and Recommendation (#32) on November 21, 2011, in which she recommends this Court grant Defendants' Motion (#21) to Dismiss Amended Complaint. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

In his Objections, Plaintiff reiterates the arguments contained in his Response to Defendant's Motion to Dismiss Amended Complaint. This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does

not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Sullivan's Findings and Recommendation (#32). Accordingly, the Court **GRANTS** Defendants' Motion (#21) to Dismiss Amended Complaint.

IT IS SO ORDERED.

DATED this 17th day of February, 2012.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge